

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ELEOBARDO LOPEZ,) Case No. CV 16-2782-JVS (JPR)
Petitioner,)
v.) ORDER ACCEPTING FINDINGS AND
S. FRAUENHEIM, Warden,) RECOMMENDATIONS OF U.S.
Respondent.) MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file, and Report and Recommendation of U.S. Magistrate Judge. No objections to the Report and Recommendation have been filed, and, although the Magistrate Judge gave him the opportunity to do so, Petitioner has not requested a stay. The Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that Respondent's motion to dismiss is granted in part, the Petition is denied, and Judgment be entered dismissing this action without prejudice. The Court takes no position on whether any new petition Petitioner may file would be timely or second or successive.

DATED: January 24, 2017

James V Selna
JAMES V. SELNA
U.S. DISTRICT JUDGE